

Pesticide Drift Minimization Meeting Summary
Thursday, October 18, 2001
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Meeting Participants:

Department of Pesticide Regulation:

Paul Gosselin, Chief Deputy Director

Environmental Monitoring Branch

Terri Barry

Office of Legislation and Regulation

Fred Bundock

Pesticide Enforcement Branch

George Farnsworth

Roy Hirose

Debra Kloss

Worker Health and Safety Branch

Don Richmond

County Agricultural Commissioner Offices:

Al Barth, Sutter County

Bill Gillette, Santa Barbara County

Richard Price, Butte County

Robert Rolan, Madera County

Bill Waddle, Monterey County

External Stakeholders:

Norm Akesson, U.C., Davis

Louie Brown, Kahn, Soares, and Conway

Kati Buehler, CA Rice Commission

Tony Clark, Helena

Vic Clark, CA Agricultural Aircraft Association

Kim Crum, CA Agricultural Production Consultants Association

Robert Ehn, Western Farm Service

Steve Forsberg, CA Plant Health Association

Lee Hazeltine

Karen Heisler, U.S. Environmental Protection Agency, Region 9

John Jaeger, Agriculture Consulting

Kevin Keefer, CA Plant Health Association

Susan Kegley, Pesticide Action Network

Judy Letterman, Pesticide Applicators Professional Association

Ray Pojanowski, CA Agricultural Aircraft Association

Richard Richter, CA Agricultural Aircraft Association

Russ Stocker, CA Agricultural Aircraft Association
Barbara Todd, CA Department of Food and Agriculture
Clarence Williams, CA Agricultural Aircraft Association
Joy Wisniewski, Office of Environmental Health Hazard Assessment

Opening Remarks - Paul Gosselin, Chief Deputy Director

Paul Gosselin introduced himself and asked the meeting attendees to introduce themselves. Paul briefly explained that the purpose of the meeting was to discuss U.S. EPA's Pesticide Registration Notice on Spray and Dust Drift, DPR's draft Pesticide Drift Minimization regulations, and buffer zones.

U.S. EPA Pesticide Registration (PR) Notice - Karen Heisler - U.S. EPA, Region 9

Karen Heisler, U.S. Environmental Protection Agency (U.S. EPA), Region 9, provided an overview on the U.S. EPA Pesticide Registration (PR) Notice, Spray and Dust Drift Label Statements for Pesticide Products.

Karen stated that "drift" has not been formally codified in the Code of Federal Regulations and that "drift" needs to be addressed through pesticide label language. This needs to be done for:

- Consistency
- Expectations and directions for applicators
- Enforceability for EPA, State, and Tribal authorities

The PR Notice is not only directed to agricultural use, but includes industrial, horticultural, home and garden sprays and dusts. No other formulations, such as fumigants and granulars, are discussed in this notice; neither are mosquito adulticides used for public health purposes. Karen stressed that these documents provide guidance; they are not meant to supercede label requirements.

Definitions of terms were also discussed.

- Spray or dust drift is the "physical movement of pesticide droplets or particles through the air at the time of pesticide application or soon thereafter from the target site to any non- or off-target site. Spray drift shall not include movement of pesticides to non- or off-target sites caused by erosion, migration, volatility, or windblown soil particles that occurs after application or application of fumigants unless specifically addressed on the product label with respect to drift control requirements."
- No-spray zone is "an area in which direct application of the pesticide is prohibited; this area is specified in distance between the closest point of direct pesticide application and the nearest boundary of a site to be protected, unless otherwise specified on a product label."

She added that the need for “enforceable – defensible” drift language is the reason they are doing the PR Notice. U.S. EPA recognizes that some of the requirements in the PR notice seem unnecessary in California, however, there are some states that do not have their own regulations and therefore those regulations must be included. Labeling must be clear for applicators and enforceable for government.

Karen completed her presentation by discussing the proposed drift label language for each application type: Ground boom applications, orchard/vineyard airblast sprayers, aerial applications, overhead chemigation, and hand-held sprayers.

Chief Deputy Director Paul Gosselin then asked for discussion on the wind speed label restrictions. Some of the comments on wind speed included:

- There shouldn’t be any low (3 m.p.h.) wind speed restrictions.
- The depth of an inversion layer is more important than wind speed.
- Wind direction changes are more important than wind speed.
- Drift direction vs. wind direction: not always the same.

Other comments include:

- Can not just define the drift as occurring immediately after the application; if you do you could be missing up to 60% of the drift.
- Do not make it one-size-fits-all; this doesn’t give the applicators enough flexibility.
- Applicators are in the best position to judge the many variables to prevent drift. Regulators are trying to define the extremes. However, there are some areas where we don’t want the regulated community to make judgement calls.

Department of Pesticide Regulation’s “Suggested Drift Control and Associated Regulations” – Paul Gosselin, Chief Deputy Director

Paul directed the discussion on DPR’s proposed rulemaking on drift. He stated that these regulations are not new, but currently exist in different sections, under specific pesticides.

Many meeting attendees were of the opinion that if the U.S. EPA finalizes the PR Notice and the PR Notice is approved that DPR does not need to do a rulemaking. Paul asked the attendees if DPR should suspend working on the proposed regulations and wait for the final PR Notice before proceeding, or, to continue working on the proposed regulations. After a brief discussion, most suggested that DPR continue working on the proposed regulation package and use the current document as a basis for the proposed language.

Some suggestions include:

- Delete the lower wind speed.
- Remove nozzle size language (too restrictive); this would allow applicators to use most current, available nozzles and other application equipment.
- Delete outdated language from proposed section 6615; this language may have been required 20 to 25 years ago, but it is now standard practice.

- Include airboats as another method of applying pesticides

Paul gave the group 30 days to submit informal comments to DPR for us to consider in our pre-rulemaking analysis.

Buffer Zones – Paul Gosselin, Chief Deputy Director

Paul was seeking a discussion among the attendees on buffer zones. Some of the comments included:

- There are “generic” buffer zones - those without solid, uniform, scientific justification and “product-specific” buffer zones that are based on scientific data.
- Communication between farmer and farmer, and farmer and community is essential.
- Paul stated that it is a “policy judgement call” but that DPR will probably write some chemical-specific regulations based on scientific results.
- With spray or dust drift, it will be difficult to establish general buffer zones. How do we qualify it?
- If regulations are not site-specific, “there must be a designation of sensitive sites.”
- Current crop maps for applicators are a necessity. Pest control advisers often provide maps that are a year old or older and they don’t often reflect the current surrounding crops.
- We need to deal with the ag-urban interface. There should be law that says you cannot build a house within 300 feet of agricultural land.
- Not all buffer zones are created equally.
- One applicator pointed out (and others agreed) that they would welcome some generic requirements that would prohibit spraying under certain (presently legal) conditions where they know drift is likely to occur, but the grower is demanding they spray anyway. At present, if they want to keep the job, they have to spray. The existence of stricter regulations that would make it illegal for anyone to spray under certain conditions would make it possible for the conscientious applicators to keep their business AND prevent drift.

At approximately 12:35 PM, Paul stated that we should meet again and continue the current dialogue in the future.